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February 9, 2004  

The Honorable Norman Mineta  
Secretary  
U.S. Department of Transportation  
400 Seventh Street, SW, Room 10408  
Washington, D.C. 20590  

Dear Secretary Mineta:  

The Washington City and County Pipeline Safety Consortium requests that the Department of Transportation, Research and Special Programs Administration (RSPA) pursue collection of the $3.05 million civil penalty against Olympic Pipeline Company resulting from the fatal June 10, 1999, pipeline rupture in Bellingham, Washington. The Consortium also requests that RSPA complete this collection before the June 10, 2004, statute of limitations runs.  

The Consortium was created in June 2000 in direct response to the Bellingham incident when cities and counties realized they had little understanding of pipelines and pipeline safety. In the intervening time the Consortium has worked to expand local municipalities’ understanding and awareness of pipeline safety.  

RSPA must enforce this fine because failing to do so undermines the deterrent aspect of fines.  

The key to any effective enforcement scheme is follow-through. When RSPA issued this large civil penalty against Olympic Pipeline it was heralded as a major deterrent against pipeline operators skirting pipeline safety laws. By failing to collect this fine now, RSPA is effectively not enforcing these laws.  

The public views fines and penalties as effective deterrents. When agencies such as RSPA and the Office of Pipeline Safety (OPS) fail to collect fines, it appears to citizens that government is in the pocket of industry and is not protecting its citizens.
RSPA must enforce this fine to maintain its credibility and send a strong message.

When RSPA issued these civil penalties against the pipeline operators it made a bold statement: pipeline safety is paramount. In quietly failing to collect these fines, RSPA sends a very different message. To operators it says if you violate pipeline safety laws, you will not have to pay for your wrongdoings. To pipeline safety inspectors who put thousands of hours of work into inspecting Olympic’s pipelines it says your work is not valued by your own agency. To citizens living along the pipeline corridor it says your safety is less important than the interests of pipeline operators. In a time when RSPA and OPS are struggling to improve their credibility, these are not the messages they need to send.

RSPA must enforce fines because no one else legally can.

RSPA and OPS have sole enforcement authority for interstate pipelines. Local jurisdictions are powerless to proactively protect their citizens and the environment from pipeline incidents. We look to RSPA and OPS for safety of our citizens and the protection of the environment. By enforcing this fine, RSPA and OPS will be protecting those who cannot, legally, protect themselves and by failing to enforce this fine, RSPA and OPS will be leaving these citizens vulnerable to pipeline operators who negligently manage their systems.

It is critical to citizen safety and the protection of the environment that RSPA and OPS enforce collection of the $3.05 million fine against Olympic Pipeline Company.

Sincerely,

Katherine M. Hansen
Pipeline Safety Coordinator

c:
The Honorable Patty Murray, Senate Committee on Health, Education, Labor and Pensions
The Honorable Maria Cantwell, Senate Committee on Commerce, Science, and Transportation; Senate Committee on Energy and Natural Resources
The Honorable Rick Larsen, House Committee on Transportation and Infrastructure
The Honorable Jennifer Dunn, House Committee on Ways and Means
The Honorable Stevan Pearce, House Committee on Transportation and Infrastructure
The Honorable Tom Udall, House Committee on Resources
The Honorable Jay Inslee, House Committee on Resources
The Honorable Brian Baird
The Honorable Richard “Doc” Hastings
The Honorable George L. Nethercutt, Jr.
The Honorable Norm Dicks
The Honorable Jim McDermott
The Honorable Adam Smith
The Honorable Gary Locke, Governor, Washington State
Carole Washburn, Executive Secretary, Washington Utilities and Transportation Commission
Chuck Mosher, Chairman, Washington State Citizen’s Committee on Pipeline Safety
Marlene Robinson, President, Board of Directors, Pipeline Safety Trust